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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,123	03/28/2001	Thomas M. Sirhall	P5710 (SMQ-059)	2140
959	7590	11/23/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP.			FRISBY, KESHA	
28 STATE STREET			ART UNIT	
BOSTON, MA 02109			PAPER NUMBER	

3715

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Taka

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/820,123	SIRHALL, THOMAS M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kesha Frisby	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/15/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-8, 11-13 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8, 11-13 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Status of Claims

In response to the Amendment filed on 7/15/2005, Claims 6-8, 11-13 and 23-28 are pending whereas claim 6 has been amended and claims 23-28 have been added.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 6-8 & 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton in view of Webpage, "Poster Quiz – Movie Poster Trivia Quiz" (<http://web.archive.org/web/20000302230423/http://www.posterquiz.com>).**

Referring to claim 6, Bolton discloses receiving a request for a Webpage at the electronic device from a remote client (from Bolton's computer where the test is put on the Web server to the test takers computer) and in response to said receiving step, sending a Web page containing a question and a fill-in-the-blank applet. See pp.1-2. Bolton discloses instructions for running a fill-in-the-blank applet for displaying a question and a test box to a user, wherein the user can enter an answer to the question in the text box, the medium including hypertext markup language (HTML) code see pp.1-2. *Bolton does not disclose where the source code for said Web page includes the question and is separate from the answer, which is in a definition file that is unavailable to the user.* However, Webpage, "Poster Quiz – Movie Poster Trivia Quiz" teaches

where the source code for said Web page includes the question (please refer to the highlighted section in the www.posterquiz[1] document) and is separate from the answer (the examiner views this element as the answer not being presented within the source code of www.posterquiz[1] document), which is in a definition file (the examiner views this element as since the answer is not in the source code with the question therefore, the answer code must be in a separate file which makes the file unavailable to the user). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the question in the source code of said Web page, as disclosed in Webpage, "Poster Quiz – Movie Poster Trivia Quiz", incorporated in Bolton in order for the question to be to be modified if needed.

Referring to claim 2, Bolton's invention as disclosed on pp.1-2 is considered to comprise a page of an on-line educational course.

Referring to claim 3, Bolton discloses wherein said Web page includes an applet tag (i.e., APPLET CODE) instructing a browser to execute instructions for running the fill-in-the-blank applet. See p.3.

Referring to claim 11, Bolton discloses instructions for running a fill-in-the-blank applet for displaying a question and a text box to a user, wherein the user can enter an answer to the question in the text box, the medium including hypertext markup language (HTML) code (See page 1-2). *Bolton does not disclose where the HTML code includes the question, to reference the applet and is separate from the answer, which is in a definition file that is unavailable to the user.* However, Webpage, "Poster Quiz – Movie Poster Trivia Quiz" teaches where the *HTML code includes the question, to reference*

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*the applet* (please refer to the highlighted section in the www.posterquiz[1] document) and is separate from the answer (the examiner views this element as the answer not being presented within the source code of www.posterquiz[1] document), which is in a definition file that is unavailable to the user (the examiner views this element as since the answer is not in the source code with the question therefore, the answer code must be in a separate file which makes file unavailable to the user). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the question in the HTML code, as disclosed in Webpage, "Poster Quiz – Movie Poster Trivia Quiz", incorporated in Bolton in order for the question to be to be modified if needed.

Referring to claim 12, wherein the instructions are executable on a virtual machine is an inherent feature of Bolton's invention as a by product of its use of the Java language.

Referring to claim 13 wherein the instructions are stored on a server and downloaded to a local processor of the user would have been an inherent feature of Bolton's invention because that is the inherent nature and functionality of applet technology.

**3. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" and further in view of Judd et al. (U.S. Patent Number 5,602,982).** Referring to claim 23, Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" discloses wherein said graphical user interface generated by the fill-in-the-blank applet displays a text box for receiving a user response to the displayed question and instructions to the user to enter an answer to the question in the text box (see page 1-2). *Bolton/Webpage, "Poster Quiz – Movie Poster Trivia*

*Quiz” does not disclose two or more selectable graphical user interface objects for use by a user to interact with the fill-in-the-blank applet to change a state of the fill-in-the-blank applet. However, Judd et al. teaches two or more selectable graphical user interface objects for use by a user to interact with the fill-in-the-blank applet to change a state of the fill-in-the-blank applet (Fig. 2 – buttons 28, 30, 32, 34, 36 and/or 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include two or more selectable graphical user interface objects, as disclosed in Judd et al., incorporated in Bolton/Webpage, “Poster Quiz – Movie Poster Trivia Quiz” in order to advance the test, for example, to move from one question to another.*

**Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton/Webpage, “Poster Quiz – Movie Poster Trivia Quiz/Judd et al. and further in view of Fields et al. (U.S. Patent Number 6,347,943).** Referring to claim 24, *Bolton/Webpage, “Poster Quiz – Movie Poster Trivia Quiz/Judd et al. does not disclose wherein the applet allows a user to attempt a correct answer multiple times, wherein said applet automatically provides a correct answer in the text box after the user surpasses a predetermined number of attempts and wherein said applet prevents the user from entering an answer after said predetermined number of attempts. However, Fields et al. teaches wherein the applet allows a user to attempt a correct answer multiple times is considered to be an inherent feature of the Fields et al. invention, includes even one predetermined attempt and wherein said applet automatically provides a correct answer in the text box after the user surpasses a predetermined number of attempts (See column 7 lines 16-18) and wherein said applet prevents the*

user from entering an answer after said predetermined number of attempts is considered to be an inherent feature of the Field's invention because a predetermined number attempts can be one attempt. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include multiple attempts, after the predetermined number of attempts the answer is inserted and entering the correct answer after a predetermined number of attempts, as disclosed in Fields et al., incorporated in Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz"/Judd et al. in order to give the test taker more than one chance to answer the question correctly.

**5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" and further in view of Sonnenfeld (U.S. Patent Number 6,112,049).** Referring to claim 27, Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" discloses the method of claim 6.

*Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" does not disclose wherein the definition file stores multiple correct answers for a question.* However, Sonnenfeld teaches wherein the definition file stores multiple correct answers for a question (column 43 line 65 – column 44 line 7: matches any of the choices). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include storing multiple correct answers for a question, as disclosed in Sonnenfeld, incorporated in Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" in order for the test taker to think of the correct answer without getting help, such as, multiple choice questions that display at least one correct answer provides help to the test taker.

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4. **Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" and further in view of Judd et al..** Referring to claim 28, Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" discloses the method of claim 6. *Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" does not disclose wherein the applet provides feedback to the user indicating that an answer to the question is correct, if the user inputs a correct answer.* However, Judd et al. teaches wherein the applet provides feedback to the user indicating that an answer to the question is correct, if the user inputs a correct answer (column 5 lines 6-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the applet provides feedback, as disclosed in Judd et al., incorporated in Bolton/Webpage, "Poster Quiz – Movie Poster Trivia Quiz" in order to provide immediate feedback to the question that was answered.

#### ***Response to Arguments***

6. Applicant's arguments, see The Bolton Reference, filed 7/15/2005, with respect to the rejection(s) of independent claim(s) 6 & 11 under 35 U.S.C. 102(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of *Webpage, "Poster Quiz – Movie Poster Trivia Quiz"*

(<http://web.archive.org/web/20000302230423/http://www.posterquiz.com>).

7. Regarding the new claims 23-28, the rejection above provides a 35 U.S.C. 103(a) rejection for these claims using additional references to reject the added limitations.



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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-4:30pm, Thu. 6:30-4pm & Fri. 7-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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